- - REMARKS - -

The Examiner rejected claims 1-9 and 11-27 as anticipated under 35 U.S.C. §102(e) by Beelitz

The §102(e) rejection of claims 1-9 and 11-27 is traversed. In order to maintain this §102(e) rejection, each and every element of the claimed invention must be disclosed in as great detail by the reference. Because the reference does not disclose each and every element, this rejection must fall.

Beelitz does not disclose, *inter alia*, <u>wherein the target devices are persistently and concurrently in communication with the server by means of a network</u> and <u>wherein the target devices are to be remotely booted by the server</u> as claimed in claims 1, 13 and 23. The Examiner correctly fails to cite to any support for such a contention.

At most, Beelitz discloses that a targeted computer system 137 is initially booted up to perform the operations and instructions as per associated shell script files to load the selected programs onto its hard drive and to run the tests. In one embodiment, the selected software programs and operating systems can be down loaded and installed on the targeted computer system via the Internet. See, column 15, lines 1-7. Thus, Beelitz does not disclose "the target device to be remotely booted by the server" -- Beelitz teaches only loading and installing the operating system onto the targeted computer system to boot the system.

For example, see FIG. 5, and step 520 from Beelitz, column 14, lines 30-55. Beelitz uses a data file to implement the selections per the data file on the targeted computer system. "Thus, the selected operating system, selected software programs, selected patches, selected hard drive operations, the determined always run parts, and other selections are *installed, implemented and tested* by the execution of the associated shell script files. (column 14, lines 37-42)(emphasis added) "The script processing program interprets the instructions of the shell script files and acts upon those instructions *to perform the actual instructions for the installation or implementation of the part on the computer system.*" (column 14, lines 46-50)(emphasis added).

Additionally, Beelitz does not disclose and actually teaches away from wherein the target devices are persistently and concurrently in communication with the server by means of a network, by teaching a system for specifying, ordering, and building a build-to-order computer system. Beelitz is addressed to problems facing computer manufacturers – it was known to install software programs and to perform tests on computer systems before they (the computer systems) are shipped to businesses or individual customers. See, column 1, lines 56-58 of Beelitz.

Conversely, the instant claims are addressed to problems facing those businesses or individual customers *after receipt* of the computer system. Those of ordinary skill in the art would not normally be motivated to custom build a computer that has already been received and connected to a network. Since the customer already has possession of the computer, one of ordinary skill in the art would generally presume that the computer *already was* built to order or a default, off-the-shelf, model. Similarly, those of ordinary skill in the art would generally find it unreasonable to contemplate ordering a custom built computer, and leaving the newly custom built computer at the manufacturing plant so that the computer can remain persistently and concurrently in communication with a manufacturing server.

Additionally, claims 8 and 19 each require "determining if a target device has an associated network address; and removing the target device from the modified list of target devices if it does not have an associated network address." The Examiner's citation to column 7, lines 35-40 is misplaced (the Examiner appears to have made a typographical error in the rejection of claim 19 wherein the Examiner cites to column 8, lines 35-40). Beelitz, at most, teaches accessing a master database 125 to create or generate a list of operating system types available for the targeted computer system, and look for entries with an initiating tag that indicates the entries to be selected first in the specifying process. See, column 7, lines 35-42.

Withdrawal of the rejections to claims 1, 13 and 23 is requested. Claims 2-9, 11-12, 14-22 and 24-27 depend directly or indirectly from claims 1, 13, or 23 respectively, incorporating the limitations of their respective independent claims, and therefore withdrawal of the rejections to these claims is also requested.

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CONCLUSION

The Applicants respectfully submit that claims 1-9 and 11-27 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

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